THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HONBLE DR. JUSTICE G.YETHIRAJULU

–

WRIT APPEAL NO.2559 OF 2005.

DATED: 30-12-2005

Between

B.V.B.Subba Rao son of Sitaramaiah,

Aged about 64 yrs, r/o D.No.13-2-2,

Tadepallivari street, Bapatla, Guntur district.

….Appellant

And

1.The Director of School Education

Government of Andhra Pradesh,

Hyderabad and another.

…Respondents

–

JUDGMENT (Per Sri B.Prakash Rao, J)

Heard both sides and at their request, the main appeal itself is taken up for disposal.

The writ petitioner who is the appellant and employee of the respondents herein, sought a writ of mandamus declaring the action of the respondents in

not approving the petitioner's period of service from 12-09-1978 to 17-09-1979 (1 year 6 days) as aided service is illegal and arbitrary in spite of the fact that the earlier order passed by this Court allowing the writ petition in W.P.No.22013 of 2002, dated 03-11-2004.

The learned single Judge after contest and taking into consideration the objections raised on behalf of the respondents and especially in the absence of any record in support of petitioner's claim, dismissed the writ petition observing that if the petitioner had any grievance about the action of the respondents in not treating his service from
12-09-1978 to 17-09-1979, he ought to have raised an objection at the relevant point of time.

After hearing the counsel on either side for some time, it is represented by the learned counsel for the appellant that the appellant has already filed a comprehensive representation on 06-06-2005 before the 1st respondent pointing out all the facts and circumstances and also on what basis, he is entitled to for such period to be treated as in service. In view of the same, we do not think it appropriate to go into the merits of the case. It would suffice in the interest of justice to direct the 1st respondent to consider the said representation on merits in accordance with law and dispose of the same within a period of four weeks from the date of receipt of a copy of this order after giving notice and opportunity to the appellant.

Subject to the above, the writ appeal is disposed of. No costs.

B.PRAKASH RAO, J

Dated: 30-12-2005.

Hsd

G.YETHIRAJULU, J